

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

)
) MDL NO. 1456
) Civil Action No. 01-12257-PBS
) Subcategory No. 03-10643

THIS DOCUMENT RELATES TO:

The City of New York, et al.

v.

Abbott Laboratories, Inc., et al.

)
) Judge Patti B. Saris
)
)
)
)

**JULY 2011 STATUS REPORT ON BEHALF OF
THE CITY OF NEW YORK AND NEW YORK COUNTIES**

The undersigned counsel for the City of New York and New York Counties in the above-captioned action (hereinafter referred to as “plaintiffs”) hereby submit the attached Status Report for July 2011, in accordance with the Court’s June 17, 2004 Procedural Order.

Dated: July 5, 2011

Respectfully submitted,

**City of New York and New York Counties in
MDL 1456 except Nassau and Orange, by**

KIRBY McINERNEY, LLP
825 Third Avenue
New York, New York 10022
(212) 371-6600

By: /s/ Joanne M. Cicala
Joanne M. Cicala

Ross B. Brooks, Esq.
MILBERG LLP
One Pennsylvania Plaza
New York, NY 10119
(212) 594-5300
Special Counsel for the County of Nassau

Theresa A. Vitello, Esq.
LEVY PHILLIPS &
KONIGSBERG, LLP
800 Third Avenue
New York, NY 10022
(212) 605-6205
Counsel for the County of Orange

**July 2011 Status Report on Behalf of the
City of New York and New York Counties**

Status Conference

At the June 22, 2011, status conference plaintiffs informed the Court that they have settled or have reached agreements in principle with all defendants except Sandoz. With respect to Sandoz, the Court set the following schedule:

1. Summary Judgment and Daubert Motions

All summary judgment and/or Daubert motions are due on or before September 30, 2011. All oppositions to the motions are due on or before October 31, 2011. *See* the Court's June 23, 2011 Electronic Notice of Set Deadlines.

2. Motion Hearing

A summary judgment and Daubert motion hearing as to defendant Sandoz is set for January 25, 2012 at 2:30pm EST. *See* the Court's June 23, 2011 Electronic Notice of Hearing.

With respect to the defendants with whom plaintiffs have reached agreements in principle, the Court directed that plaintiffs file a Notice of Proposed Settlement Order of Dismissal providing that claims against these defendants shall be dismissed without costs and without prejudice to the right of any party, upon good cause shown, to reopen the action within ninety (90) days if settlement is not consummated. Plaintiffs filed such Notice on June 27, 2011. The notice covers plaintiffs' claims against the following defendants: Alparma, Inc., Purepac Pharmaceutical Co., Eli Lilly and Company, Endo Pharmaceuticals Inc., King Pharmaceuticals Inc., King Research and Development, Monarch Pharmaceuticals Inc., Merck & Co., Inc., Mylan Laboratories Inc., Mylan Pharmaceuticals Inc., UDL Laboratories Inc., Par Pharmaceutical Company Inc., Par Pharmaceutical Inc., Roche Laboratories Inc., Hoffman-La Roche Inc., Schering-Plough Corp., Schering Corporation, Warrick Pharmaceuticals Corporation, TAP

Pharmaceutical Products Inc., Watson Pharmaceuticals Inc., and Watson Pharma Inc. *See* Docket No. 7626, Sub-docket No. 293.

Voluntary Dismissal of Claims

On June 28, 2011, the court entered an order granting plaintiffs' notice of voluntary dismissal of claims against defendant Novartis Pharmaceuticals Corp. [Docket No. 7576, Sub-docket No. 290]. *See* Docket No. 7629, Sub-docket No. 294.

CERTIFICATE OF SERVICE

I, Kathryn Allen, hereby certify that on the 5th day of July, 2011, I caused a true and correct copy of the above July 2011 Status Report for the City of New York and New York Counties to be delivered to counsel of record for defendants by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL No. 1456.

Dated: July 5, 2011

/s/ Kathryn B. Allen
Kathryn B. Allen
Kirby McInerney LLP
825 Third Avenue
New York, NY 10022
(212) 371-6600